

## Amendments to Rule 34

Rule 34 is amended as follows:

**RULE 34.** Production of Documents, **Electronically Stored Information**, and Things and Entry Upon Land for Inspection and Other Purposes

(a) Scope. Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on the requestor's behalf, to inspect, ~~[and]~~ copy, **test, or sample** any designated documents **or electronically stored information** ~~[(f) – including writings, drawings, graphs, charts, photographs, [phonorecords,]~~ **sound recordings, images,** and other data compilations **stored in any medium** from which information can be obtained~~[-];~~ translated, if necessary, by the respondent ~~[through detection devices]~~ into reasonably usable form~~[)]~~, or to inspect, ~~[and]~~ copy, test, or sample any **designated** tangible things which constitute or contain matters within the scope of Rule 26(b) and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 26(b).

(b) Procedure. The request shall set forth, either by individual item or by category, the items to be inspected and describe each with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. **The request may specify the form or forms in which electronically stored information is to be produced.** Without leave of court or written stipulation, a request may not be served before the time specified in Rule 26(d).

The party upon whom the request is served shall serve a written response within 30 days after the service of the request. A shorter or longer time may be directed by the court or, in the absence of such an order, agreed to in writing by the parties, subject to Rule 29. The response shall

state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, ~~[in which event the reasons for objection shall be stated]~~ **including an objection to the requested form or forms for producing electronically stored information, stating the reasons for the objection.** If objection is made to part of an item or category, the part shall be specified and inspection permitted of the remaining parts. **If objection is made to the requested form or forms for producing electronically stored information – or if no form was specified in the request – the responding party must state the form or forms it intends to use.** The party submitting the request may move for an order under Rule 37(a) with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

**Unless the parties otherwise agree, or the court otherwise orders:**

**(1)** A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request;

**(2) if a request does not specify the form or forms for producing electronically stored information, a responding party must produce the information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable; and**

**(3) a party need not produce the same electronically stored information in more than one form.**

(c) Persons Not Parties. \* \* \*

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Sept. 25, 1992, eff. Jan. 1, 1993; August 29, 2000, eff. January 1, 2001; **Nov. 27, 2007, eff. Jan. 1, 2008.**)